

EXHIBIT 1

Provenance Research Project

INTRODUCTION

>>> Introduction

INTRODUCTION

RESOURCES FOR RESEARCHERS

CONTACT INFORMATION

CONTACT INFORMATION

The Museum of Modern Art owns approximately 600 paintings created before 1946 and acquired after 1932, that were or could have been in Continental Europe during the Nazi era. Researchers at the Museum have closely examined, and are continuing to research, the ownership, or provenance, records for works that fall within this category. The majority of these works were acquired directly from the artists or have provenance records that are sufficiently complete to eliminate the likelihood of Nazi misappropriation. Provenance research on these works, however, remains an ongoing project, and a priority, at the Museum.

LIST OF WORKS

In April 2000, The Museum of Modern Art's director, Glenn D. Lowry, joined other American museum directors to present testimony before The Presidential Advisory Commission on Holocaust Assets, reaffirming the museum community's commitment both to assist in the discovery of objects unlawfully appropriated during the Holocaust period and to make information on collection provenance more widely available. We publish this List of Works to further this effort (and in accordance with the American Association of Museums (AAM)'s April 2001 *Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*).

In September 2003, the AAM launched a Nazi-Era Provenance Internet Portal (www.nepip.org), thus providing a general searchable registry of objects in U.S. museum collections that were or could have been in Continental Europe during the Nazi era (1933–1945). Works on this MoMA Web site can be cross-referenced from the AAM portal.

The Museum is currently transferring detailed provenance information on the listed works from the Museum's archival records to the electronic format of this website. Ongoing provenance research on the listed works is posted periodically, in installments, and the Museum welcomes any further information on the provenance of these collection works that users of this site may be able to provide. (Please note that the Museum's archival records for all collection works are open, as they always have been, to serious researchers.) For any information or queries on works on this list, please see Contact Information.

EXHIBIT 2

Provenance Research Project

Introduction

Provenance Research Project

Introduction

Provenance Research Project

 LIST OF WORKS

Pablo Picasso (Spanish,
1881–1973. To France 1904.)

Boy Leading a Horse. (early
1906)

Oil on canvas, 7' 2 3/4" x 51
1/2" (220.3 x 130.6 cm)
The Museum of Modern Art,
New York. Gift of William S.
Paley

Collection work meeting
criteria specified in
Introduction.

575.64

Other works by this artist

Provenance:

Ambroise Vollard, Paris
Gertrude and Leo Stein, Paris. By 1907 - before 1913
[Galerie Simon, Paris?]
Paul von Mendelssohn-Bartholdy, Berlin. Acquired ? [by 1934] – 1935
Justin K. Thannhauser, Berlin. Purchased from Mendelssohn-Bartholdy, August 31, 1935 – Sold through
Siegfried Rosengart, Lucerne (partner of Thannhauser), to Skira/Paley, August 28, 1936
Albert Skira, Geneva. Purchased for Paley, August 28, 1936
William S. Paley, New York. Purchased from Albert Skira, 1936 - 1964
The Museum of Modern Art, New York. Gift of William S. Paley, 1964

Alternate titles:

Le meneur de cheval
Le jeune chevalier
Jeune garçon au cheval
Boy and Horse
The Horse Driver

Printing instructions

EXHIBIT 3



20 East 46th Street, Suite 1402
New York, NY 10017

Telephone: 212-297-0941
Facsimile: 212-972-5091
Email: info@ALRny.com

September 18, 2001.

Christel Hollevoet-Force
Research Assistant, Provenance
The Museum of Modern Art
11 West 53rd Street
New York, NY 10019

Invoice: MOMA210-5

Dear Ms. Hollevoet-Force:

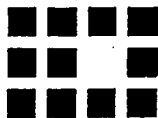
Thank you for your search request. We have completed the Art Loss Register database search on the following items:

Artist: Pablo Picasso
Title: *Boy Leading a Horse*
Date: early 1906
Medium: Oil on canvas
Dimensions: 7' 2 3/4" x 51 1/2" (220.3 x 130.6 cm)
Provenance: Ambroise Vollard, Paris; Gertrude and Leo Stein, Paris, by 1907 – before 1913; Paul von Mendelssohn-Bartholdy, Berlin; Justin Thannhauser, Munich; Siegfried Rosengart, Lucerne; Albert Skira, Geneva; William S. Paley, New York, 1936; The Museum of Modern Art, New York. Gift of William S. Paley, 1964.

Color image Provided.

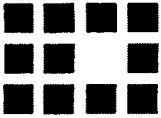
ALR NOTE: Paul von Mendelssohn – Bartholdy, Berlin might have been related to Francesco Mendelssohn, whose collection underwent a forced sale. The Thannhauser archives are in Geneva now, and the name generally does not mean good things. Siegfried Rosengart records are now in Lucerne, Switzerland. It might be worth checking with them to get a date of sale, as Albert Skira is a red flag list name, although it might be alright as the painting went to New York so early on.

REDACTED



THE ART LOSS REGISTER, INC.

REDACTED



REDACTED

As of September 18, 2001, these items have not been registered as stolen or missing on the Art Loss Register database. Nor are they listed in the published sources of WWII losses that are known to the Art Loss Register. As stated in the Terms and Conditions, the database does not include items that may have been illegally exported. Also, not every theft is necessarily reported to us.

Should you have any further questions or inquiries, please do not hesitate to contact us by telephone or fax. Thank you for using the Art Loss Register.

Sincerely,


Lucy Haverland

EXHIBIT 4

The Solomon R. Guggenheim Museum Archive

The material reproduced in this copy may be
protected by copyright.

This copy is for personal use only; do not reproduce.

Museum Number 16

Pablo Picasso

Le Moulin de la Calotte, Paris, 1900 *(winter)*

Oil on canvas, 35½ x 46 (frn. stretcher rev.)

Signed b. p. "P. R. Picasso - "

Provenance: From the artist; Paul von Mendelssohn-Bartholdy (ca. 1910;
from Thannhauser Gallery, Berlin (ca. 1900); bought back by
Justin Thannhauser, *ca. 1935.*

Exhibitions: Picasso, Forty Years of his Art, Museum of Modern Art,
New York, (1939), #5, p. 24 (ill.).

2 Chicago, Art Institute 1939 & 1940?

Picasso: Fifty Years of his Art, Museum of Modern Art,
New York, 1946, p. 18 (ill.).

Picasso: 75th Anniversary Exhibition, Museum of Modern Art,
New York, 1957, p. 15 (ill.).

Picasso, Philadelphia Museum of Art, 1958, #4 (ill.).

Picasso, Arts Council of Great Britain, *London, Tate Gallery*, 1960, #4, (ill. pl. 1b).

Literature: Zervos, Christian, Pablo Picasso, I, # 4.

Cirici-Pellicer, Alexandre, Picasso Avant Picasso, trans. from
the Spanish edition of 1946 by Marguerite de Floris and
Ventura Gasol, Geneva, 1950, pp. 65-69.

Barr, Alfred H. Jr., Picasso: Fifty Years of his Art, New York,
1946, pp. 19-20.

Boeck, Wilhelm and Sabartès, Jaime, Picasso, New York, 1955, p. 227.

Asnar, Jose Camon, Picasso y el Cubismo, Madrid, 1956, #214 (ill.).

Penrose, Roland, Picasso: His Life and Work, New York, 1959,
pp. 63-64, ill. #8, pl. I.

Champris, Pierre de, Picasso, Ombre et Soleil, Paris, 1960, 43 (ill.),
p. 15.

Blunt, Anthony and Pool, Phoebe, Picasso, the Formative Years,
London, 1962, "First Visit to Paris 1900," pp. 12-14.

Also elsewhere often reproduced
Helen F. Newkirk Understood by Picasso, "Personnel" in the
Art Institute of Chicago, "Picasso at the Paris 1940. Pictet."

GuggenheimMUSEUM

Collections Research

Solomon R. Guggenheim Museum Archives

Materials relating to Justin K. Thannhauser

Handwriting Key:

- spiky handwriting = Justin K. Thannhauser

In the 1920s - vice-versa - a large show of American contemporary artists, - with an illustrated catalog; - the exhibition was sponsored by prominent Americans, - sorry, I forgot all the names!

- bubbly handwriting = Vivian Barnett (SRGM Curator)

*yes - for all work in
Australia.
Doesn't know how long*

- small handwriting = Daniel Catton Rich (SRGM Trustee), largely in conversation with Thannhauser

Kunsthans Zürich

Pablo Picasso

Sept 11 - Oct 30, 1932

(Kleiner Katalog) only to 227

EXHIBIT 5

JKT

Provenances for ~~THE~~ **PICASSO** The Solomon R. Guggenheim Museum Archive

The material reproduced in this copy may be protected by copyright.

This copy is for personal use only; do not reproduce.

The End of the Road

Private collection, Barcelona *By 1957 JKT.*

+ Au Café, Woman and Child, Man with Pack

Ac in Zürich 1932

All Santiago Laporta, Barcelona

Le Moulin de la Galette

X From the artist; Thannhauser Gallery, Munich (c. 1909);
Paul von Mendelssohn-Bartoldy (c. 1910-1934);
Justin K. Thannhauser

B-Amer.

*consign
ment*

*sent to
B-Amer in
1934*

The Fourteenth of July

From whom was it purchased in Paris about 1937? *1936-37*
Picasso, - Pierre Levy NY.

Woman Ironing

*Berlin, Strasbourg - Holland
Another Gallery to*

Did you sell it to Karl Adler about 1916 and
buy it back in the late 1930's?

Who owned it before?

*Kahnweiler (d. du 4
deal in
Picasso
then)*
Acc. Zervos, A. Vollard.

Head of a Woman (pastel)

When did it belong to Paul von Mendelssohn-Bartoldy,
Berlin?

Loan to Legation

Consignment

It belonged to Justin K. Thannhauser at the time of
the 1934 Buenos Aires exhibition, didn't it? *no*

X Vase and Flowers (drawing)

Gallery in Paris

Two Harlequins

August 1939

Who was Mlle. A. Nachmann? *South of Paris*

When and from whom did you acquire it? *- misdelivered
Sent to - Express*

Guggenheim MUSEUM
Collections ResearchSolomon R. Guggenheim Museum Archives
Materials relating to Justin K. Thannhauser

Handwriting Key:

- spiky handwriting = Justin K. Thannhauser

In the 1920s - *Exposition* - a large show of American contemporary artists, - with an illustrated catalog; - the exhibition was sponsored by prominent Americans, - sorry, I forgot all the names!

- bubbly handwriting = Vivian Barnett (SRGM Curator)

yes - for all work in
Australia.
Doesn't know how long

- small handwriting = Daniel Catton Rich (SRGM Trustee), largely in conversation with Thannhauser

Kunsthans Zürich

Pablo Picasso

Sept 11 - Oct 30, 1932

(Kleiner Katalog) only to 227

EXHIBIT 6

Nation | World

RELATED STORIES

A network of profiteers

Art histories at The Fogg and The MFA

Murky histories cloud some local art

By Maureen Goggin and Walter V. Robinson, Globe Staff, 11/09/97

French art dealer Cesar Mange de Hauke died in 1965. But he comes alive in declassified documents in the US National Archives: collaborating with the leader of the notorious Nazi effort to plunder artworks systematically from Jews, and driving a German staff car in occupied Paris.

Yet in 1949, just as the State Department was denying him an immigration visa because of his Nazi complicity, de Hauke sold a magnificent pastel by Edgar Degas to New York financier Maurice Wertheim, whose collection passed to the Fogg Art Museum at Harvard, his alma mater, after his death in 1950.

At the Fogg, correspondence on file shows that Wertheim was skeptical about de Hauke's right to sell Degas's "Singer with a Glove." But he bought it anyway. National Archives documents only add to those suspicions: State Department records, evidence that the art was owned by a French family whose collection was targeted by the Nazis in 1941, and information that before it fell into de Hauke's hands it belonged to a Swiss doctor who purchased at least one other looted painting.

At both the Fogg and the Museum of Fine Arts in Boston, records suggest that other European artworks acquired during and after World War II arrived with pedigrees that should have aroused curiosity, if not suspicion. Now, a half-century later, once-secret government documents have provoked a fresh accounting of what happened to the war's spoils, and have provided new evidence that some unsuspecting collectors donated artworks that may have been plundered from Jews and other European collections to major museums.

The Degas is unusual for the amount of documentation that suggests it might have passed illegally through Nazi hands and, ultimately, onto a

second-floor wall in the Fogg's most celebrated gallery, the Wertheim Collection. But the two museums have other works with suspect characteristics: unexplained wartime ownership gaps, the involvement of dealers who collaborated with Nazi art looters, and, often, a failure by the collectors or museums to make inquiries before acquiring them.

For example, a wartime FBI report suggests that the Museum of Fine Arts was nonchalant about the origin of its acquisitions during the war. The MFA's curator of prints, Henry Preston Rossiter, admitted to FBI agents in 1941 he knew that one dealer, Richard Zinser, whose works he bought routinely had been imprisoned in Germany for smuggling.

Rossiter bought prints from Zinser, including valuable works by Albrecht Durer, even though, the FBI report noted, Rossiter said Zinser "never reveals where he obtains his works."

After the FBI's visit, the MFA ceased buying Zinser's works.

Even so, in an interview on Oct. 24, MFA director Malcolm Rogers asserted the museum has always insisted that its curators carefully check the history of any acquisition. As evidence of that longstanding commitment, he cited the MFA's written "Collection Policy" that contains that requirement.

Last Thursday, a museum spokeswoman, Dawn Griffin, acknowledged that the MFA's Collection Policy had been approved by the museum's trustees on Oct. 23, the day before the Globe interview. She said, however, that it had been in preparation for more than a year. But it was not until Oct. 23 that the museum began requiring all dealers to sign bills of sale affirming their right to sell the artwork.

Griffin refused the Globe's request to release a copy of the full 12-page written policy, saying it was an internal museum document.

An open market

Mark Masurovsky, one of the first historians to find evidence about unscrupulous dealers in the National Archives, said disinterest by museums in the origin of artworks "sent a clear signal during and after the war that there was an open and unquestioning market for looted artworks in the United States." With that encouragement, de Hauke and other unscrupulous emigre dealers had a clear financial incentive to prey on Jews, said Masurovsky, who is working for the Holocaust Art Restitution Project, an effort spearheaded by the National Jewish Museum to document and locate works looted from Jews.

Jonathan Petropoulos, a historian at Loyola College in Baltimore who has written extensively about wartime plundering, said there is no evidence that American collectors and museums knew they were acquiring looted art. But the combination of seemingly legitimate

middlemen, the zeal that museums brought to building their collections and their unwillingness to ask probing questions of dealers or donors had a predictable result.

"The evidence, and it is growing, suggests that there may be hundreds of paintings in American museums that were stolen from Jews or looted from other European collections," Petropoulos said. "If you count drawings and lithographs, the number of artworks that have problematic ownership histories is probably in the thousands."

At the MFA and the Fogg, Rogers and other officials are left defending acquisitions that, in many cases, were made before they were born. They note that many artworks have gaps in their ownership, simply, and most often innocently, because owners cherish their anonymity, and sometimes forget where they bought paintings. The archival evidence pointing to other motives has only become available in the last two decades. And as public institutions, their collections are published for any claimant who wishes to come forward.

Moreover, the museum officials noted, there is no conclusive evidence that any of the paintings that the Globe asked about were stolen. And with no claimants for the artworks, much of the documentation is circumstantial.

Art specialists interviewed by the Globe said the Fogg and MFA are hardly unique among museums for acquiring art without applying any of the customary standards of due diligence that are required by law when real estate and even used cars change hands. Nowadays, most museums follow a standard practice, requiring donors and art dealers to sign documents declaring they have clear title to the artwork.

But experts in art law say such documents are legally meaningless, and amount to nothing more than a fig leaf for what the law now requires: a full title search that can identify problem artworks and provide a real defense if a claim is made.

Questionable provenance

The Globe decided to examine a small portion of the thousands of European paintings at the MFA and Fogg - modern paintings acquired during or after the war - after reporting earlier this year about war-related claims being pressed against other museums.

The Metropolitan Museum of Art in New York and the Philadelphia Museum of Art are facing allegations that they acquired looted artworks after the war. In another case, curators at the Art Institute of Chicago helped a major benefactor, Daniel Searle, acquire a Degas monotype looted from a Dutch victim of the Holocaust.

Officials at both the Fogg and the MFA cooperated, opening their

archives for inspection, and doing original - and, some critics say, long overdue - research to fill gaps in provenance, or ownership of some paintings. The results, in some instances, are embarrassing to the museums, especially the Fogg, where four paintings have questionable provenances.

At the Museum of Fine Arts, the issue is often how little it knows about some of its artworks. For example, the MFA bought a Monet painting from Brandeis University in 1974. Records at the MFA and Brandeis suggest that neither institution knew anything about the ownership of "Woodgatherers at the Edge of the Forest" during most of the century after Monet painted it in 1864. The painting was purchased in 1961 from New York dealer Alexander Ball by Harold Kaplan, who donated it to Brandeis in 1968.

Ball, according to National Archives records, had frequent dealings with Nazi art looters - and a business relationship with Hans Wendland, who funneled numerous stolen paintings into a wartime black market that included emigre dealers in New York.

At the MFA, some valuable paintings have no ownership history, except the name of the donors: The museum, for instance, knows nothing about the history of five paintings left to the museum in 1948 by one of its benefactors.

The museum has also been unable to identify who owned one of its Picassos, "Standing Figure," during the 37 years before the MFA bought the work from Swiss dealer Fritz Nathan in 1958. In a letter to the Globe suggesting that suspicions about the provenance of MFA paintings are unwarranted, George T. M. Shackelford, the curator of European paintings, said Nathan's gallery "for more than half a century was generally regarded as one of the most distinguished art galleries in Europe."

Yet Nathan was the wartime art adviser and purchasing agent for Emil G. Buhle, a Swiss collector who knowingly bought many paintings that had been looted from Jews, according to extensive Allied interrogation reports in the National Archives. What's more, a 1921 auction catalog shows that the painting had been sold to a "Winberg."

Rogers, speaking from hindsight, said knowledge about Ball's wartime activities makes it "very unlikely" the MFA would have purchased the "Woodgatherers at the Edge of the Forest" without conducting a thorough investigation. "Clearly," he said, "that would ring alarm bells."

But Rogers noted that much of the information surfaced only recently. "Inherent in the trading of any goods, as I'm sure you know since you must have bought second-hand goods yourself or from antique shops, is a matter of professional confidence," he said. As for most gaps, he added, "Human nature and memory are much more fragile than you

think, and our knowledge is often incomplete.... Incompleteness is no grounds for suspicion."

Still, he said, recent disclosures, some of them in the *Globe*, have led to a "new awareness [of a problem] that nobody guessed the size of, and we're all trying to cope with that."

Rogers, confronting questions about artworks acquired a half century ago, wondered why they were not raised in the 1950s and 1960s by the many Jews who, he said, were art dealers, collectors and art historians.

"But it is fascinating why in the years following the war ... more wasn't said, people weren't more enraged ... particularly since so many of the people in the art world were Jewish at that time. So many of the scholars were people who had fled. You know, most of the great giants in the art historical world were Jewish in that period ... The collectors were as well. Very strange," Rogers said.

Selling off paintings to survive

Unlike the much larger MFA, the Fogg has virtually no staff or money to undertake the sort of provenance research the *Globe* conducted: Its annual budget for out-of-town research is just \$2,000.

The Fogg collections, built on the philanthropy of Harvard's most successful graduates, also contain their share of paintings with incomplete, and sometimes suspicious ownership records.

Across the room from the Degas in the Wertheim Collection is a haunting 1887 still life by Vincent van Gogh, "Three Pairs of Shoes," with its subliminal message about the misery of Europe's working poor. Wertheim bought it in late 1943 from the best-known of the emigre dealers, Georges Wildenstein. Wildenstein, like de Hauke, had a business relationship with Karl Haberstock, Hitler's principal art looter.

But where did Wildenstein obtain the van Gogh? According to the Fogg's records, it came from Marcel Kapferer, a French Jew. His granddaughter, Francine Legrand-Kapferer, said in a recent interview that Kapferer hid his family from the Nazis in Cannes during the war, selling off paintings one at a time to survive. Legrand-Kapferer said that her grandfather frequently reminded his family that but for those sales, they would have died.

All such sales under duress in Nazi-occupied Europe were declared invalid under a 1943 Allied declaration. If the van Gogh was among the works sold during the war - and Legrand-Kapferer said she did not know whether it was - then the artwork would enter a legal limbo.

Even more suspicious is a Monet, "La Mere Paul," listed at the Fogg as owned before the war by Paul Wittgenstein in Vienna and bought by

the Wertheim Fund for the Fogg in 1955.

At the Globe's request, Austrian journalist Hubertus Czernin searched out Nazi records in Austrian archives. They show that the Nazis confiscated a substantial art collection from a renowned Vienna concert pianist of the same name, Paul Wittgenstein, though the records are incomplete.

Wittgenstein's daughter, Joan Ripley of Charlottesville, Va., said her father, who was of Jewish ancestry, fled to New York in 1938 and as far as she knows never returned to Vienna, or recovered the bulk of his property after the war. Another relative, though, recalls a "a painting of an old woman, a Monet" that once hung in Wittgenstein's home.

The record shows that the Monet next surfaced in a gallery in Stuttgart, Germany, in 1954, where it was bought by Jacques Seligmann, another emigre dealer and associate of de Hauke who has been implicated in wartime art collaboration. Seligmann sold it to the Wertheim Fund.

The \$38,500 Degas

But it is the Degas pastel that Wertheim bought the year before he died that has the most troubling history.

Maurice Wertheim was a tournament chess player, a founder of the New York Theatre Guild, for a time the owner of The Nation magazine, and the father of Barbara W. Tuchman, the Pulitzer Prize-winning historian. During the war, he was also chairman of the American Jewish Committee.

Wertheim was fearful that de Hauke did not have the right to sell the Degas, though the correspondence at the Fogg does not suggest why. To allay his fears, Wertheim had his lawyer call Justin Thannhauser, an associate of de Hauke, while de Hauke was en route to a meeting with Wertheim. Thannhauser told the lawyer that de Hauke did not own the pastel, but was selling it for a Dr. Heer of Zurich.

Yet when de Hauke arrived, he told Wertheim that his corporation owned the Degas, but refused to sign a statement saying he had authority to sell it. Wertheim nonetheless handed over a check for \$38,500 for the artwork.

"Mr. Wertheim made the remark that he is aware of the fact that he took a chance with regard to the title of this picture, but that in view of the information obtained from Thannhauser, the risk involved is rather remote," the Wertheim lawyer, Hermann E. Simon, wrote at the time.

Three weeks later, Simon received a letter, apparently from de Hauke's lawyer, asserting that de Hauke bought the picture from Thannhauser - another apparent contradiction.

Ivan Gaskell, the Fogg's curator of paintings, sculpture and decorative arts, said that when he first saw the correspondence three or four years ago, he interpreted it to mean that both dealers had an interest in the work. "In and of itself, it did not suggest any suspicion," Gaskell said.

But the US archival records, coupled with Swiss government records, suggest that both Thannhauser and de Hauke had much to hide. Thannhauser was a business associate of Wendland, the German dealer and art looter who funneled so many artworks into the black market, and may have stored paintings for Wendland during the war.

The original listed owner of the pastel was Camille Groult. Declassified US documents show that Haberstock, the Nazi art looter with ties to de Hauke, hired another art collaborator to "expertise" the Groult collection, a common step before a confiscation or forced sale. The Groults were apparently not Jewish, and efforts to determine what happened to their collection, or whether the Degas was part of it at the time, were unavailing.

The next owner in the chain was Dr. Fritz Heer, identified in National Archives documents as a Swiss collector who purchased at least one looted painting.

Several documents that historian Mazurovsky discovered in the National Archives contain intelligence information and post-war State Department correspondence that build a case against de Hauke for his ties to Haberstock and his role in art looting, even suggesting he may have been involved in obtaining paintings for Adolf Hitler, Hermann Goering and Heinrich Himmler. Two months before Wertheim bought the Degas, a handwritten note by a State Department official concluded de Hauke "knowingly handled looted art in his deals with the Germans" and that he should be denied a visa to remain in the United States.

Gaskell, the Fogg curator, said he is eager to track down more information about the paintings, especially the Degas. In light of the archival records, he said of the one artwork, "There are clearly red lights all along the way."

Previous coverage and related links are available on Globe Online at www.boston.com. The keyword is paintings.

This story ran on page A01 of the Boston Globe on 11/09/97.
© Copyright 1997 Globe Newspaper Company.





© Copyright 1998 Globe
Newspaper Company

The Boston Globe

Extending our newspaper services
to the web

Return to the home page
of The Globe Online